REMARKS

The Office Action mailed July 15, 2003, has been received and carefully reviewed. Reconsideration and withdrawal of the rejections of the claims of the above-identified application is respectfully requested.

Claims 1-4, 6-11, and 13-17 are pending. Claim 14 has been amended. No new matter has been inserted. Support for the amendment to claim 14 can be found in claim 1.

Rejections Under 35 U.S.C. §103(a)

Claims 1-4, 6-11 and 13-17 are rejected as being obvious over Hajek et al. (US 5,340,719) in view of Fodstad et al. (WO 94/07139) and O'Briant (Cancer 68(6):1272, 1991) for reasons of record in paper No. 25.

The Examiner alleges that the claimed method is the same as the method taught by Hajek with the only distinction being instead of smearing a sample on slides for detecting and phenotyping target cells under a microscope, the cells are in suspension while detected under a microscope. The Examiner then alleges that it would have been obvious to replace the smearing method taught by Hajek with detection of the target cells in suspension under a microscope.

However, Applicants assert that Hajek does not teach "each antibody of the 2 to 6 antibodies is conjugated to different particles" as required by independent claims 1, 14, and 17 and Fodstad does not cure the deficiencies of Hajek.

Fodstad et al. teach a particle with one antibody for detecting a target cell. This is in sharp contrast to the present invention as claimed in claims 1, 14, and 17. The Examiner has previously asserted that Fodstad teaches 2-6 particles. However, Applicants respectfully disagree. The entire disclosure of Fodstad is directed to using one type of antibody bound to one type of particle. The last five lines of the first paragraph on page 4 of Fodstad are directed to providing ways of increasing the specificity, that is, to reduce the possibility of cross-reactions with non-target cells. One of ordinary skill in the art would recognize that, for increasing the specificity, the second set of antibodies would be directed to the same cells as the antibody-particle complexes, in order to increase the number of target cells detected. Thus, Fodstad teach a single type of antibody-particle complex for detecting a single type of target cell.

O'Briant does not cure the deficiencies of Hajek and Fodstad. O'Briant does not teach "each antibody of the 2 to 6 antibodies is conjugated to different particles" as required by independent claims 1, 14, and 17.

As Hajek does not teach every limitation of claims 1, 14, and 17, and as Fodstad and O'Briant do not cure the deficiencies of Hajek, Applicants assert the combination of Hajek, Fodstad, and O'Briant does not render claims 1, 14, or 17 obvious. As pending claims 2-4, 6-11, and 13 are dependent on claim 1, they are also not obvious. As pending claims 15 and 16 are dependent on claim 14, they are also not obvious.

It is respectfully submitted that each of the presently pending claims is in condition for allowance and notification to that effect is respectfully requested. The Examiner is invited to contact Applicants' representative at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted,

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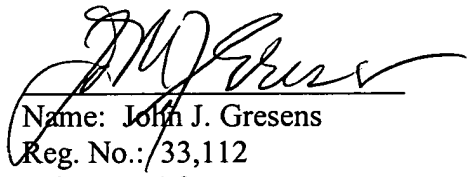

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